

**FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, MARCH 2, 2005**

House of Representatives

The House convened at 10:45 a.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused -- Loertscher. Total -- 1.

Total -- 70.

Prayer was offered by Representative Ring.

The Pledge of Allegiance was led by Jessica Kynoch, Page.

Approval of Journal

March 2, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-first Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

March 1, 2005

Mr. Speaker:

I transmit herewith **S 1135, S 1140, S 1153, S 1068**, as amended, and **S 1162** which have passed the Senate.

WOOD, Secretary

S 1135, S 1140, S 1153, S 1068, as amended, and **S 1162** were filed for first reading.

March 1, 2005

Mr. Speaker:

I return herewith **H 46, H 47**, and **H 103** which have passed the Senate.

WOOD, Secretary

H 46, H 47, and **H 103** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 2, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HJM 4, H 278, H 279, H 280, H 281, H 282**, and **H 283** and House Amendments to **H 94, H 97, H 127, H 130, H 139, H 214, H 68, H 185**, and **H 195**.

FIELD(18), Chairman

HJM 4 was referred to the Agricultural Affairs Committee.

H 279 was referred to the Revenue and Taxation Committee.

H 280 and **H 281** were referred to the Resources and Conservation Committee.

H 282 was referred to the Health and Welfare Committee.

H 283 was referred to the State Affairs Committee.

H 278 was filed for second reading.

March 2, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 94**, as amended, **H 97**, as amended, **H 127**, as amended, **H 130**, as amended, **H 139**, as amended, **H 214**, as amended, **H 68**, as amended, **H 185**, as amended, and **H 195**, as amended,.

FIELD(18), Chairman

H 94, as amended, **H 97**, as amended, **H 127**, as amended, **H 130**, as amended, **H 139**, as amended, **H 214**, as amended, **H 68**, as amended, **H 185**, as amended, and **H 195**, as amended, were filed for first reading of engrossed bills.

March 2, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 66, H 51, H 59, H 91, H 24, H 39, H 22**, and **H 126** to the Governor at 11:10 a.m., as of this date, March 1, 2005.

FIELD(18), Chairman

February 28, 2005

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **S 1142** and report it back with amendments attached to be placed on General Orders for consideration.

RAYBOULD, Chairman

S 1142 was placed on General Orders for consideration.

March 1, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 254** and recommend that it do pass.

CROW, Chairman

H 254 was filed for second reading.

March 1, 2005

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration

SJM 102, SJM 103, and SJM 104 and recommend that they do pass.

STEVENSON, Chairman

SJM 102, SJM 103, and SJM 104 were filed for second reading.

March 1, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 245, S 1013, S 1014, S 1015, and S 1016** and recommend that they do pass.

FIELD(18), Chairman

H 245, S 1013, S 1014, S 1015, and S 1016 were filed for second reading.

March 1, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 203** and report it back with amendments attached to be placed on General Orders for consideration.

FIELD(18), Chairman

H 203 was placed on General Orders for consideration.

March 1, 2005

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 162** and recommend that it do pass.

BLACK, Chairman

H 162 was filed for second reading.

March 1, 2005

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 197** and report it back with amendments attached to be placed on General Orders for consideration.

BLACK, Chairman

H 197 was placed on General Orders for consideration.

March 2, 2005

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **S 1023** and recommend that it do pass.

DEAL, Chairman

S 1023 was filed for second reading.

There being no objection, the House returned to the Fourth Order of Business.

Consideration of Messages from the Governor and the Senate

OFFICE OF THE GOVERNOR

Boise

March 1, 2005

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bill, to wit:

H 126

Very truly yours,
/s/ JAMES E. RISCH
Acting Governor

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

House of Representatives
State of Idaho

February 28, 2005

The Honorable JoAn Wood
Chairman, Transportation and Defense Committee

Dear Representative Wood:

I hereby designate the Transportation and Defense Committee a privileged committee for the purpose of introducing RS 15069 on Wednesday, March 2, 2005.

Sincerely,
/s/ BRUCE NEWCOMB
Speaker of the House

HOUSE CONCURRENT RESOLUTION NO. 18 BY STATE AFFAIRS COMMITTEE

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND
AUTHORIZING AN INTERIM COMMITTEE TO STUDY
HUMAN TRAFFICKING IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, human trafficking is a worldwide problem involving an estimated 600,000 to 800,000 victims; and

WHEREAS, human trafficking is a severe form of trafficking in which women and children are sexually exploited for commercial purposes; and

WHEREAS, human trafficking is a severe form of trafficking

in which men, women and children are recruited and transported for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery; and

WHEREAS, human traffickers often prey on individuals who are poor, frequently unemployed or underemployed, and who may lack access to social safety nets, and victims are often lured with false promises of good jobs and better lives and are then forced to work under brutal and inhumane conditions; and

WHEREAS, the Trafficking Victims Protection Act of 2000 found approximately 20,000 to 50,000 victims in the United States and recognizes the importance of nongovernmental organizations in assisting trafficking victims and encourages the use of sanctions against countries that participate in, or take no action to curb, human trafficking; and

WHEREAS, the recommendations of the 2004 Department of Justice National Conference on Human Trafficking encourages federal, state and local partnerships between law enforcement, prosecutors and nongovernmental organizations to educate the public to recognize trafficking, assist in investigating trafficking, prosecute the offenders and assist the victims; and

WHEREAS, the Legislature recognizes the danger of human trafficking and seeks to educate the public, develop legislation and identify persons, agencies and organizations with expertise in human trafficking.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of human trafficking. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee shall be appointed by the cochair of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee may include, but are not limited to, representatives of the judiciary, law enforcement, the Office of the Attorney General, prosecuting attorneys, criminal defense attorneys, domestic violence and sexual assault advocacy organizations, medical and psychological organizations, social service providers, the Department of Health and Welfare, and faith-based organizations. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall examine human trafficking in Idaho including, but not limited to, the following authorized activities:

1. Data collection and findings on the nature and extent of human trafficking in Idaho;
2. Identification of available federal, state and local programs that provide services to trafficking victims;
3. Analysis and recommendations regarding the ability of existing state criminal statutes to address trafficking; and
4. Recommendations regarding the prevention of trafficking,

the prosecution of offenses, and victim assistance.

BE IT FURTHER RESOLVED that the committee shall report its findings and recommendations, including remedies for any deficiencies found by the committee, to the Legislature, the Office of the Governor and the Idaho Supreme Court by January 1, 2006.

HCR 18 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 284

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO THE AUTHORIZED AND UNAUTHORIZED USE OF DITCHES, CANALS, LATERALS AND DRAINS FOR RECREATIONAL PURPOSES; AMENDING SECTION 36-1604, IDAHO CODE, TO EXTEND LIABILITY PROTECTION TO ALL RECREATIONAL USE OF LAND AND WATER AREAS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-3602, IDAHO CODE, TO EXCLUDE DITCHES, CANALS, LATERALS AND DRAINS FROM THE DEFINITION OF "WATERS OR WATER BODY"; AMENDING SECTION 39-3603, IDAHO CODE, TO PROVIDE THAT HUMAN CONTACT RECREATION IS NOT A DESIGNATED OR EXISTING USE FOR FACILITIES UNLESS THE USE IS PERMITTED BY THE FACILITY OWNER OR MANAGER; AMENDING SECTION 39-3604, IDAHO CODE, TO PROVIDE THAT HUMAN CONTACT RECREATION IS NOT A DESIGNATED OR EXISTING USE FOR FACILITIES UNLESS THE USE IS PERMITTED BY THE FACILITY OWNER OR MANAGER; AND AMENDING SECTION 42-1102, IDAHO CODE, TO PROHIBIT RECREATIONAL USE OF IRRIGATION AND DRAINAGE FACILITIES UNLESS SUCH USE IS PERMITTED BY THE FACILITY OWNER OR MANAGER.

HOUSE BILL NO. 285

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO TAXING DISTRICTS AND OPERATING PROPERTY USED FOR ELECTRICAL GENERATION; AMENDING SECTION 40-1706, IDAHO CODE, TO PROVIDE A PROCEDURE FOR ADJUSTMENT OF HIGHWAY DISTRICT BOUNDARIES IF CERTAIN CIRCUMSTANCES OCCUR AND TO PROVIDE A LIMITATION; AMENDING SECTION 27-107, IDAHO CODE, TO ALLOW THE BOUNDARY OF A CEMETERY DISTRICT TO BE CHANGED IF DECLARED IN THE PUBLIC INTEREST BY THE BOARD OF COUNTY COMMISSIONERS; AMENDING SECTION 27-121, IDAHO CODE, TO PROVIDE A PROCEDURE FOR CEMETERY DISTRICT BOUNDARY ADJUSTMENTS IF CERTAIN CIRCUMSTANCES OCCUR AND TO PROVIDE A LIMITATION; AND AMENDING SECTION 31-1420, IDAHO

CODE, TO PROVIDE A PROCEDURE FOR FIRE PROTECTION BOUNDARY ADJUSTMENTS IF CERTAIN CIRCUMSTANCES OCCUR AND TO PROVIDE A LIMITATION.

HOUSE BILL NO. 286
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO MENTAL HEALTH PARITY IN STATE GROUP INSURANCE; STATING FINDINGS OF THE LEGISLATURE; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5761A, IDAHO CODE, TO PROVIDE THAT STATE EMPLOYEES WITH SERIOUS MENTAL ILLNESSES MUST NOT BE DISCRIMINATED AGAINST IN GROUP DISABILITY INSURANCE BENEFITS OR GROUP HEALTH CARE SERVICE COVERAGE, TO DEFINE "SERIOUS MENTAL ILLNESS" AND TO PROVIDE REQUIREMENTS FOR COVERAGE OF SERIOUS MENTAL ILLNESSES; AND TO PROVIDE FOR A REPORT TO THE LEGISLATURE OF THE ADDITIONAL COSTS INCURRED TO PROVIDE THE COVERAGE.

HOUSE BILL NO. 287
BY EDUCATION COMMITTEE
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5203, IDAHO CODE, TO PROVIDE THAT NOT MORE THAN TWELVE NEWLY-CHARTERED PUBLIC SCHOOLS MAY BE APPROVED FOR ANY ONE SCHOOL YEAR; AND DECLARING AN EMERGENCY.

HOUSE BILL NO. 288
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE STATE CONTROLLER AND THE STATE BOARD OF EDUCATION, THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION; AMENDING CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1001D, IDAHO CODE, TO PROVIDE RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION, THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION REGARDING CERTAIN FINANCIAL STATEMENTS.

HOUSE BILL NO. 289
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE STATE CONTROLLER AND THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1001B, IDAHO CODE, TO PROVIDE RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND WELFARE REGARDING CERTAIN FINANCIAL STATEMENTS.

HOUSE BILL NO. 290
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE STATE CONTROLLER AND THE IDAHO TRANSPORTATION DEPARTMENT; AMENDING CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1001C, IDAHO CODE, TO PROVIDE RESPONSIBILITIES OF THE IDAHO TRANSPORTATION DEPARTMENT REGARDING CERTAIN FINANCIAL STATEMENTS.

H 284, H 285, H 286, H 287, H 288, H 289, and H 290 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1135, S 1153, and S 1068, as amended, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

S 1140, by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Ways and Means Committee.

S 1162, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

First Reading of Engrossed Bills

H 94, as amended, **H 97**, as amended, **H 127**, as amended, and **H 130**, as amended, by Judiciary, Rules, and Administration Committee, were introduced, read the first time by title and filed for second reading.

H 139, as amended, by Business Committee, was introduced, read the first time by title and filed for second reading.

H 214, as amended, by State Affairs Committee, was introduced, read the first time by title and filed for second reading.

H 68, as amended, by Resources and Conservation Committee, was introduced, read the first time by title and filed for second reading.

H 185, as amended, by Transportation and Defense Committee, was introduced, read the first time by title and filed for second reading.

H 195, as amended, by Health and Welfare Committee, was introduced, read the first time by title and filed for second reading.

Second Reading of Bills and Joint Resolutions

H 272, by Judiciary, Rules, and Administration Committee, was read the second time by title and filed for third reading.

H 193, H 182, and H 186, by Transportation and Defense Committee, were read the second time by title and filed for third reading.

S 1083, by Transportation Committee, was read the second time by title and filed for third reading.

S 1141 and SCR 107, by Health and Welfare Committee, were read the second time by title and filed for third reading.

S 1002, by Goedde, was read the second time by title and filed for third reading.

SCR 112, by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

SJM 105, by Health and Welfare Committee, was read the second time by title and filed for third reading.

H 226, H 227, and H 249, by State Affairs Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **H 152, H 153, and H 154** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

H 152 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Stevenson Mr. Raybould, and Mr. Clark to open debate.

Mr. Stevenson asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 152**. There being no objection, it was so ordered.

Mr. Stevenson asked the Speaker that, pursuant to the provisions of House Rule 38(3), if it were necessary for him to disclose a possible conflict of interest regarding **H 152, H 153, and H 154**.

The Speaker ruled that inasmuch as everyone in the State, including the members of the House of Representatives, has an interest in water rights it would not be necessary for any member to rise and disclose a possible conflict of interest pursuant to the provisions of House Rule 38(3).

At this time Mr. Denney took the Chair.

The question being, "Shall **H 152** pass?"

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, Miller, Mitchell,

Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 55.

NAYS -- Andrus, Barrett, Bayer, Bradford, Hart, Harwood, McGeachin, McKague, Roberts, Sali, Schaefer, Shepherd(2), Shepherd(8), Wood. Total -- 14.

Absent and excused -- Loertscher. Total -- 1.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 152** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle moved that the House recess until 2 p.m. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker Pro Tem declared the House at recess until 2 p.m.

RECESS

Afternoon Session

The House reconvened at 2 p.m., Mr. Denney in the Chair.

Roll call showed 69 members present.

Absent and excused -- Loertscher. Total -- 1.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

H 153 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson and Mr. Raybould to open debate.

The question being, "Shall **H 153** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Martinez, Mathews, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 55.

NAYS -- Barrett, Bradford, Hart, Harwood, McGeachin, McKague, Roberts, Sali, Schaefer, Shepherd(2), Shepherd(8), Wood. Total -- 12.

Absent and excused -- Bayer, Lake, Loertscher. Total -- 3.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 153** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 154 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker Pro Tem recognized Mr. Stevenson and Mr. Raybould to open debate.

The question being, "Shall **H 154** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Martinez, Mathews, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sayler, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 54.

NAYS -- Barrett, Bayer, Bradford, Hart, Harwood, McGeachin, McKague, Moyle, Roberts, Sali, Schaefer, Shepherd(2), Shepherd(8), Wood. Total -- 14.

Absent and excused -- Lake, Loertscher. Total -- 2.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 154** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 10:45 a.m., Thursday, March 3, 2005. Seconded by Mr. Sayler. Motion carried.

Whereupon the Speaker Pro Tem declared the House adjourned at 2:24 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk